Bankruptcy Case Opening

This module will demonstrate the steps to take to open a new bankruptcy case in the CM/ECF system. Note: If you bankruptcy petition software program provides the auto-upload case feature, it will not be necessary to enter the information as described in this module, nor to upload the creditor matrix. This will be auto-uploaded by the bankruptcy program into CM/ECF. Check with your petition software company to find out if the case upload feature is available.

STEP 1 Click the Bankruptcy hypertext link on the CM/ECF Main Menu Bar.

STEP 2 The **Bankruptcy Events** menu displays.

- Click the Open a BK Case hypertext link.

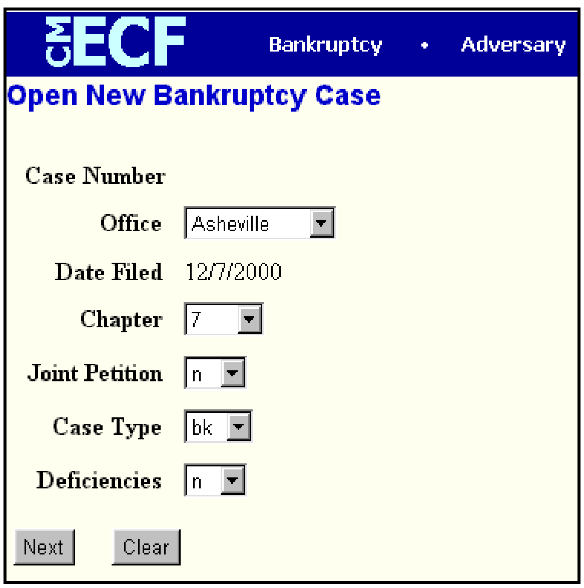

Figure 1

STEP 3 The **Case Data** screen displays. **(See Figure 1)**

Note: The Case Number field is blank. A case number for the new case will be received once all steps have been completed.

- Click the drop down arrow ▼ to reveal the list of **Office** (division) options. Click to highlight the correct Office based upon the county shown on page one of the voluntary petition.

  Select the **Asheville** Office for the following counties:

Avery	Haywood	Madison	Transylvania
Buncombe	Henderson	Mitchell	Yancey

  Select the **Bryson City** Office for the following counties:

Cherokee	Graham	Macon
Clay	Jackson	Swain

  Select the **Charlotte** Office for the following counties:

Anson	Mecklenburg	Stanly
Gaston	Union	

  Select the **Shelby** Office for the following counties:

Burke	Lincoln	Polk
Cleveland	McDowell	Rutherford

  Select the **Wilkesboro** Office for the following counties:

Alexander	Ashe	Catawba		
Alleghany	Caldwell	Iredell	Watauga	Wilkes

- The current date is displayed in the **Date Filed** box. This date cannot be changed. The file date of the petition will be the current date.

- Click the down arrow ▼ to reveal the list of available **Chapter** options. (**Note**: The system defaults to Chapter 13.) Click to select the appropriate Chapter.

- Click the down arrow ▼ to reveal the list of **Joint Filing** options. **Note**: The system defaults to ***'n'*** for no - meaning this is not a joint (husband and wife) filing. Accept the default, or click to select ***'y'*** to indicate that the filing includes both a male and a female debtor.

- The **Case Type** defaults to **bk**. This is the only option. No action is necessary.

- Click the down arrow ▼ to reveal the list of **Deficiencies** options. The system defaults to ***'n'*** meaning there are no deficiencies, and that this new filing contains all required documents. If any items are missing from the petition, change the **Deficiencies** box from ***'n'*** to ***'y'***.

Note: If **'y'** (yes) is chosen to indicate there are deficiencies in this filing, a deficiency screen will be presented later from which the missing items will be indicated.

STEP 4 The **Search for a Party** screen displays. **(See Figure 2)**

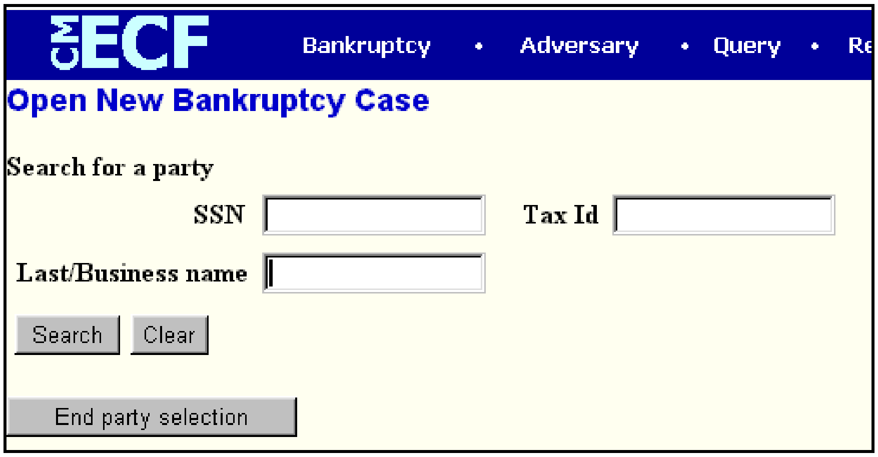

Figure 2

- The database must always be searched to see if the debtor(s) exist before a new party can be added.
  - Type the Social Security Number, Tax Identification Number and/or Last Name or Business Name.
  - Click **[Search]** to continue.

Search Hints:

- ➢ Enter one field of data for each search.
- ➢ Format Social Security Number or Tax ID with hyphens.
- ➢ Searching is case sensitive. (Smith not smith)
- ➢ Include punctuation. (O'Brien)
- ➢ Try alternate search clues if your first search is not successful
- ➢ Partial names can be entered
- ➢ Wild Cards (*) are not required at the end of search strings.
- ➢ Wild Cards may be used before or within search strings. (*son, Gr?y)

STEP 5 The **Party Search Results** screen displays. **(See Figure 3)**

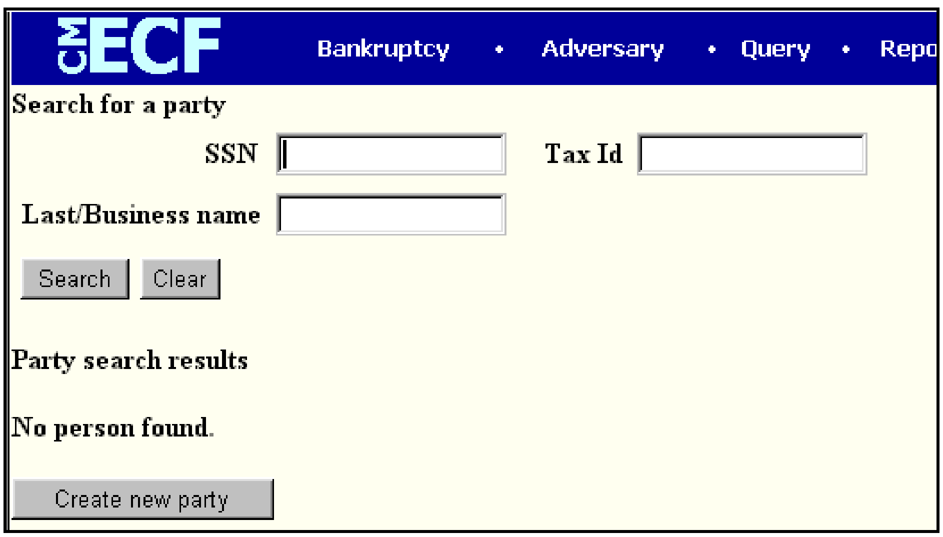

Figure 3

- ◆ If the system <u>does not</u> locate the party in the database based, a message will be displayed: **No Person Found**.
  - ◆ Click **[Create new party]** to add the debtor into the system.
  - ◆ Proceed to **STEP 6**.
- ◆ If the system <u>does</u> locate the party in the database, a **Party search results** screen will display. **(See Figure 4)**
- ◆ Click the down arrow ▼ to reveal the entire list of search results. Highlight the debtor name.

- Click **[Select name from list]**.
- Proceed to **STEP 7**.

<u>HINT</u>: If you are not sure if one of the parties shown on the **Party search results** is the debtor you are searching, highlight the name and click **[Select name from list]**. You will be able to verify the social security number on the following screen, and edit the address if required. However, if it is <u>not</u> the correct party, click the browser **[Back]** button, then click **[Create new party]** and proceed to **Step 6**.

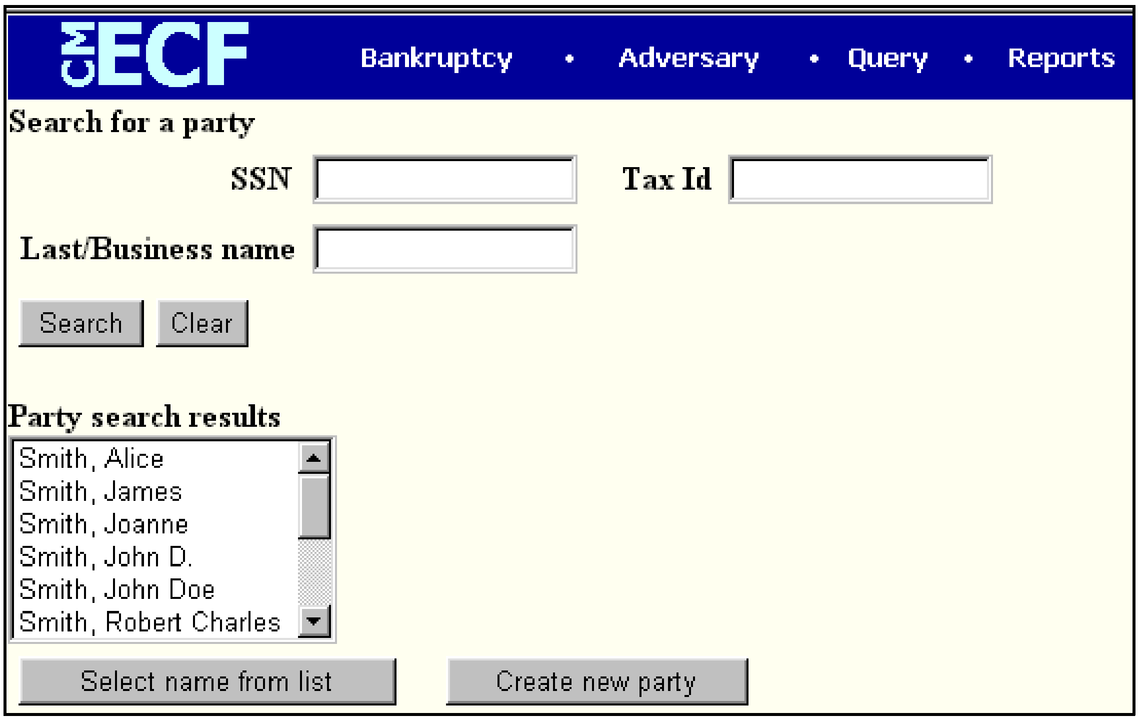

Figure 4

STEP 6 The **Party Information** screen displays. **(See Figure 5)**

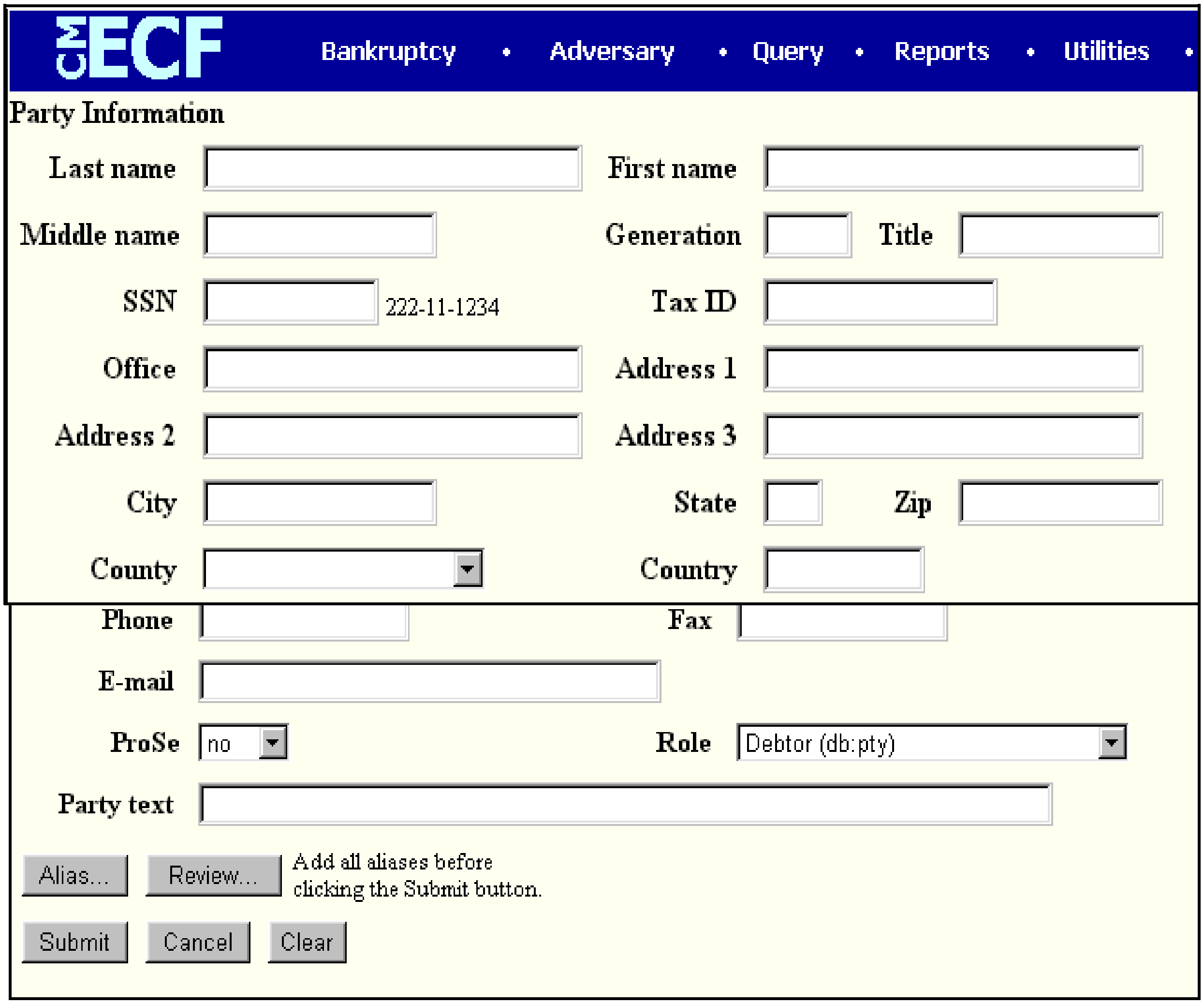

Figure 5

- As shown on the petition, enter the following information:
  - Debtor's **Last name**.
    - If the debtor is a business, enter the full business name in the **Last Name** field. (See **Party Text** bullet below.)
  - Debtor's **First name**.
  - Debtor's **Middle name**.
  - Debtor's **Generation**, if applicable (Jr., Sr., III, II, etc.)
  - Debtor's **Title**, if applicable (MD, PHD, etc.)
  - **SSN** (Social Security Number), or **Tax ID** (if the debtor is a business).

- The **Office** box may be used to indicate the office name of a business debtor. (This field is used infrequently.)
- Use **Address 1**, **Address 2** and **Address 3** lines to type the debtor's mailing address as shown on the petition.
- Type **City**, **State** and **Zip** information.

    - **Note**: It is not necessary to enter a country name, unless the country of the debtor's residence is not the United States.

- Click the down arrow ▼ to reveal the list of **County** options. Click to highlight the county shown on the petition.

> **HINT:** Type the first letter of the county name for a faster search.

- **Phone**, **Fax** and **E-Mail** information of the debtor is optional.
- The **ProSe** box automatically defaults to ***'n'*** for no, meaning that the debtor *is not* representing himself. You will automatically be added as the attorney for this debtor by the CM/ECF system once the case is filed.
- Verify that the **Role** type of Debtor is highlighted. If not, click the down arrow ▼ to reveal the list of role type options and select debtor.

- The **Party Text** box can be used to add additional descriptive nature to the debtor's name. For example: If the debtor was General Foods Store, a division of General Motors Corporation, enter: *General Foods Store* in **Last name** field, and enter: *a division of General Motors Corporation* in **Party text** field.

- If this debtor has any aliases, click **[Alias]** to enter the alias information.

    - The **Alias** screen displays. **(See Figure 6)**

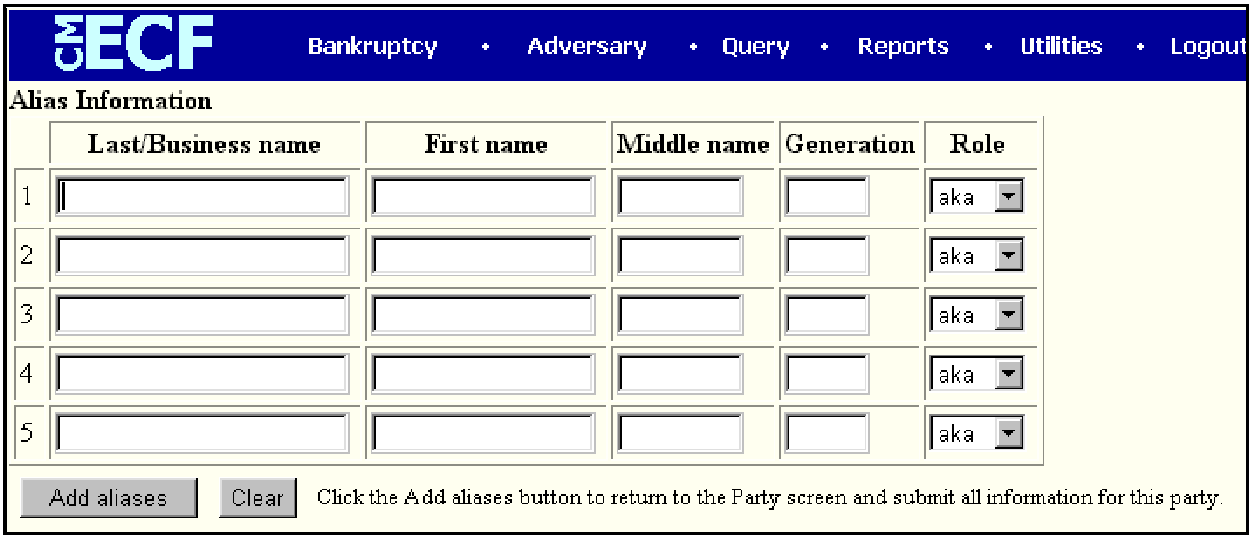

Figure 6

- Enter up to five aliases for this debtor.
- Click the down arrow ▼ to reveal the list of options in the **Role** category. They are: aka (also known as), dba (doing business as), fdba (formerly doing business as) and fka (formerly known as.
- Click to select the appropriate **Role** type for each alias entered.
- Click **[Add aliases]** to submit.
    - If you make a mistake during the addition of aliases, click **[Clear]** to begin again.
    - If you have more than five aliases to add for this debtor, click **[Add aliases]** to add the first five. Then click **[Alias]** again to submit additional aliases. This may be done as often as necessary until all aliases are added to the system.

STEP 7 The **Party Information** screen displays again.

- Verify the debtor information shown.
- Once all debtor and alias information has been added, click **[Review]** to review the alias information for this debtor. **(See Figure 7)**

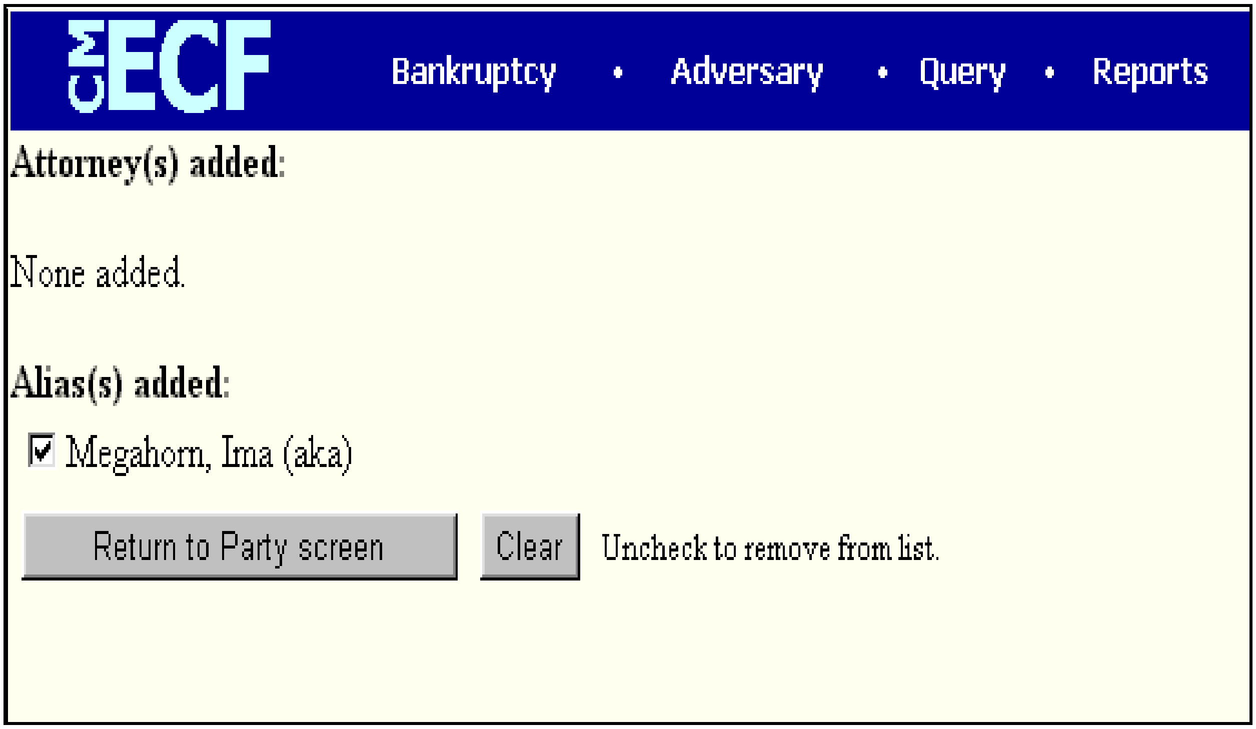

Figure 7

- You will see the aliases that have been added.

  Note: This is where you must delete an incorrectly entered Alias. An alias cannot be edited. If there is anything incorrect about the alias entry, delete it here by clicking **[Clear]** to remove all checked aliases. Then select **[Return to Party screen]**, and click **[Alias]** to re-enter the correct alias information.

- You will note that in the **Attorney(s) added:** section this message **None added.** will display. CM/ECF knows who you are, based upon your attorney login, and will add you as the attorney for the debtor.
- Click **[Return to Party screen]** to continue.
- When all the information is correct, click **[Submit]** to continue.

STEP 8 The **Search for a Party** screen displays again.

- Click **[End party selection]**.

- If **'y** for **Joint** was selected on the **Case Data** screen, the Joint Debtor screen will display. Repeat **Steps 4 through 7** for the Joint Debtor.

  Note: If this is a joint filing but was not indicated as such, **or** if this was inadvertently marked as a joint filing and there is no joint debtor, return to **Step 1** and begin again.

  - Once the Joint Debtor has been added to the case, click **[End party selection]** in the **Search for a Party** screen and proceed to **Step 9**.

- If you indicated the filing <u>was not</u> joint, proceed to **Step 9**.

STEP 9 The **Statistical Data** screen displays. **(See Figure 8)**

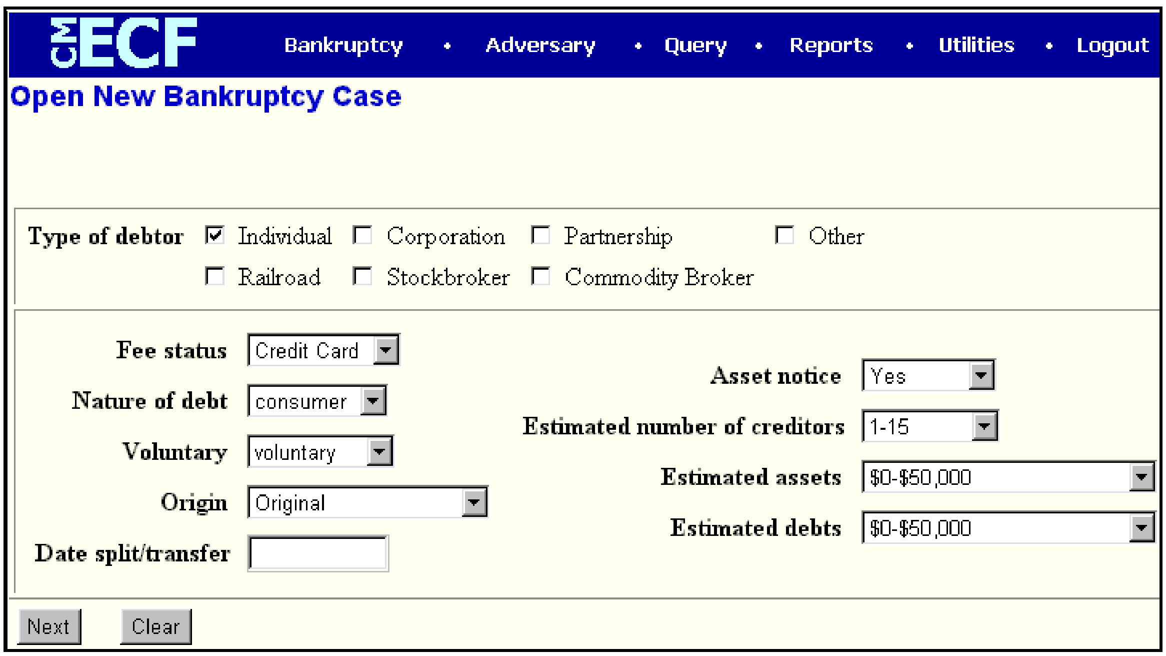

Figure 8

- Indicate the **Type of Debtor** by clicking inside the appropriate box(es).

- Click the down arrow ▼ to reveal the list of options in the **Fee Status** category. Credit card is the default. Other options are Installments and Paid.

  - Select **Installments** if an application to pay filing fee in installments is attached to the petition.

  - Otherwise, select **Credit Card**.

Note: Do not select *Paid*. This option is for Court use only.

- Click the down arrow ▼ to reveal the list of options in the **Type of Debtor** category. The default is Consumer. The other option is Business.

- Click the down arrow ▼ to reveal the list of options in the **Voluntary** category. The default is Voluntary, indicating the petition is a voluntary filing. The other option is Involuntary.

- Click the down arrow ▼ to reveal the list of options in the **Origin** category. The default Origin code is Original. Other values are: First Reopen, Second Reopen, Third Reopen, Split or Inter-District Transfer. No action is necessary if this if the first filing, the default value of Original is correct.

- **Date Split/Transfer** is used when a joint debtor splits from the original case or if a case is transferred to or from another district. Leave this field blank.

- Click the down arrow ▼ to reveal the list of options in the **Asset notice** category. The default is **y** for yes.

  - If the filing is a Chapter 9, 11, 12 or 13 petition, accept the default **y - for an asset** case.

  - If the filing is a Chapter 7 petition, click to highlight **n - for a no asset** case.

- Click the down arrow ▼ to reveal the list of options in the **Estimated Creditors** category. Click to select the correct range.

  - ☐ 1 -15
  - ☐ 16 - 49
  - ☐ 50 - 99
  - ☐ 100 -199
  - ☐ 200 - 999
  - ☐ 1,000 - over

- Click the down arrow ▼ to reveal the list of options in the **Estimated Assets** category. Click to select the correct range.

  - ➢ Under $50,000
  - ➢ $50,001 - 100,000
  - ➢ $100,001 - 500,000
  - ➢ $500,001 - 1 million
  - ➢ $1,000,001 - 10 million
  - ➢ $10,000,001 - 50 million
  - ➢ $50,000,001 - 100 million
  - ➢ More than $100 million

- Click the down arrow ▼ to reveal the list of options in the **Estimated Debts** category. Click to select the correct range.

> - Under $50,000
> - $50,001 - 100,000
> - $100,001 - 500,000
> - $500,001 - 1 million
> - $1,000,001 - 10 million
> - $10,000,001 - 50 million
> - $50,000,001 - 100 million
> - More than $100 million

- When all options are correctly selected, click **[Next]** to continue

STEP 10 If **y** for **Deficiencies** was selected on the **Case Data** screen, the **Deficiency List** screen displays.

- Select each item that is **not** included with this petition. The items chosen will be reflected in the Final Docket Text.

  Note: The Court will issue a deficiency notice.

- Click **[Next]** to continue.

STEP 11 The **PDF Document Selection** screen displays.

- Click **[Browse]**, then navigate to the directory where the appropriate PDF file is located. Double-click the PDF file to select it and associate it with the docket entry.

- The **Attachments to Documents** option defaults to **No**. If you have attachments to this document, click the **Yes** radio button to indicate there are attachments. (Refer to module: *Attachments to Documents*).

  Note: If you wish to view the image before associating it with the docket entry to verify that you have chosen the correct file, first right click on the highlighted filename and select ***Open*** to view the image in Adobe Acrobat.

- Click **[Next]** to continue.

STEP 12 A **Deadline Notice** screen displays if the case was designated as having deficiencies.

- If this petition was inadvertently marked as having deficiencies, abort the transaction by clicking on the Bankruptcy hypertext link and begin again at **Step 1**.
- Click **[Next]** to continue.

STEP 13 The **Receipt** screen displays. **(See Figure 9)**

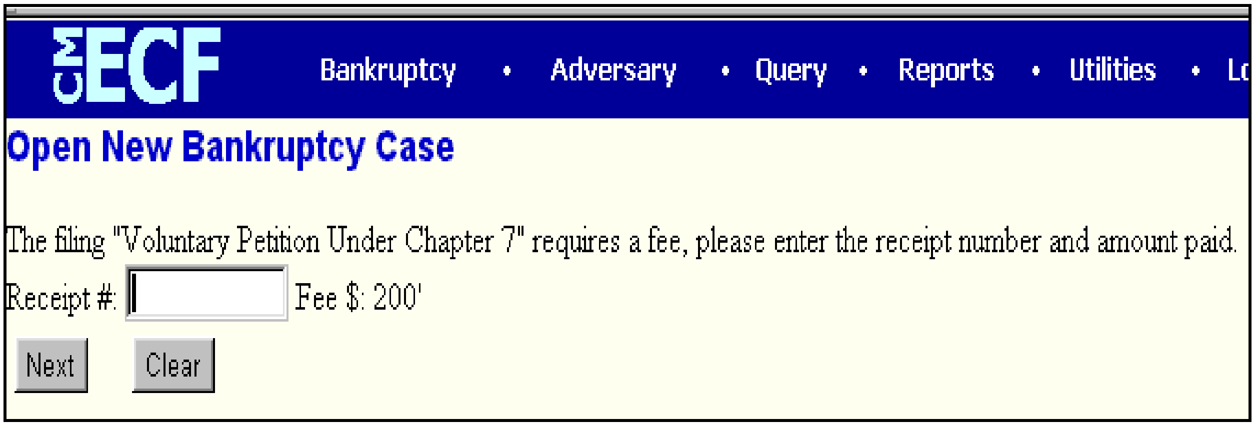

Figure 9

- Type **CC** in the Receipt Field. This indicates that the filing fee for the petition will be paid through the attorney credit card on file with the Court.
- Click **[Next]** to continue.

STEP 14 The **Final Docket Text** screen displays. **(See Figure 10)**

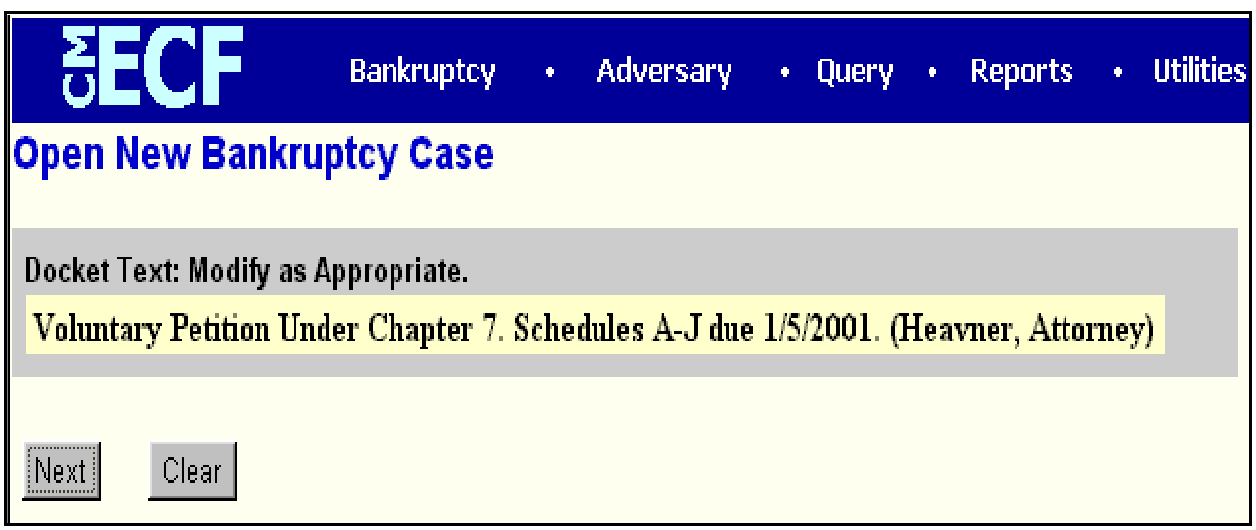

Figure 10

- Verify the accuracy of the Final Docket Text. This is what will print on the docket sheet.
- Click the browser **[Back]** button to find the error(s) and proceed with the event.

STEP 15 The **Final Approval** screen displays. **(See Figure 11)**

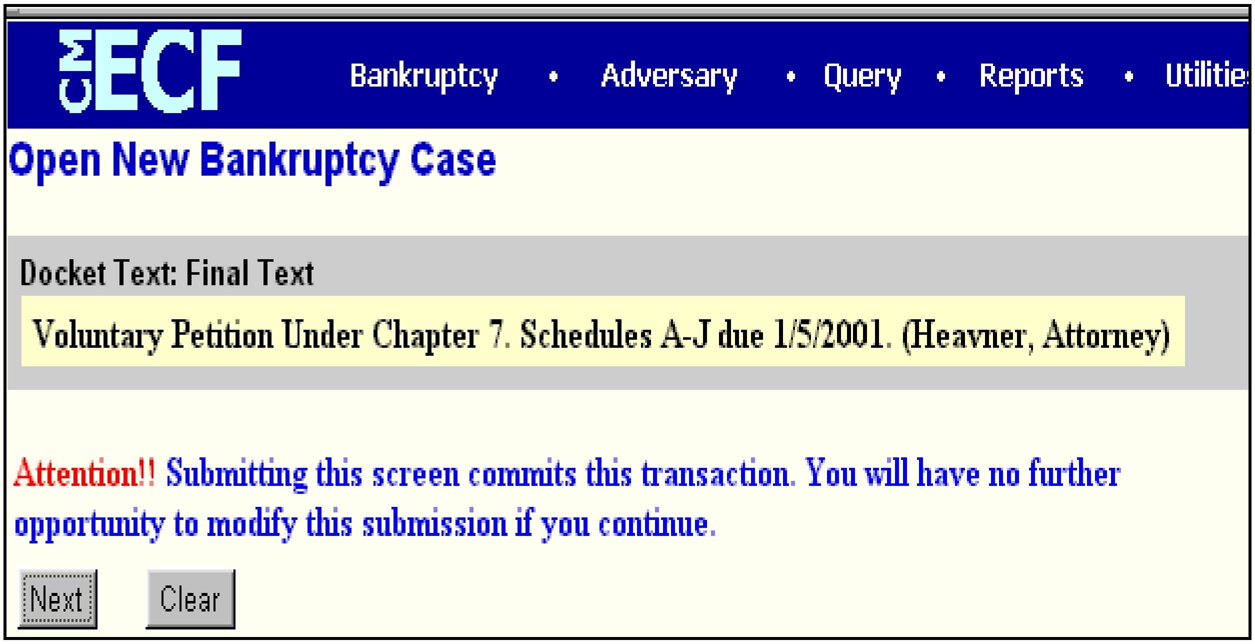

Figure 11

- Verify the Final Docket Text. Read the warning message.
- If the Final Docket Text is <u>correct</u>:
  - Click **[Next]** to continue and officially submit this document.
- If the Final Docket Text is <u>incorrect</u>:
  - Click the browser **[Back]** button to find the error(s) and proceed with the event.
  - To abort or restart the transaction, return to **Step 1** and begin again.

STEP 16 The **Notice of Electronic Filing** screen displays.

- The Notice of Electronic Filing is the verification that the filing has been filed electronically in the court's database. It certifies the that document is now an official court document.

- Clicking on the case number hypertext link on the **Notice of Electronic Filing** will present the *Docket Report* for this case.

- Clicking on the document number hypertext link will present the *PDF Image* of the document just filed.

- To print a copy of this notice click the browser **[Print]** icon.

- To save a copy of this notice, click **[File]** on the browser menu bar and select **Save Frame As**.

- You may also save the notice through the browser **File/Save** option.

- A hypertext link for the Notice of Bankruptcy Case Filing appears at the top of this notice. Clicking on this hypertext link reveals a notice summarizing the pertinent details and participants of this case.

Note: Proceed next to upload the creditors. See module: *Uploading a Creditor Matrix* for more information.

Note: If you wish to view the judge, trustee and 341 information for the case just filed, click Bankruptcy on the CM/ECF Main Menu Bar, then click on the Judge/Trustee Assign link. The information for the case(s) will display on the screen.